

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

JONATHAN L. KINGERY,)	C/A No. 4:10-1448-MBS-TER
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
MICHAEL J. ASTRUE,)	
COMMISSIONER OF)	
SOCIAL SECURITY,)	
)	
Defendant.)	
_____)	

Plaintiff filed this action on June 7, 2010. Defendant filed an answer and copy of the transcript on October 13, 2010 (doc. #5). Plaintiff's brief was due on or before November 15, 2010. On November 12, 2010, plaintiff filed a motion for an extension of time to file the brief. This motion was granted and Plaintiff was given until December 15, 2010, to file her brief. On December 14, 2010, Plaintiff filed a second motion for extension of time to file her brief. This motion was granted on December 14, 2010, and Plaintiff was given until December 30, 2010, to file his brief. Plaintiff has not filed his brief.

If Plaintiff does not file his brief within five (5) days of the date of this order, it will be recommended that the case be dismissed for failure to prosecute pursuant to Rule 41b of the Federal Rules of Civil Procedure, i.e., with prejudice.

IT IS SO ORDERED.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

February 25, 2011
Florence, South Carolina